

REMARKS

Prior to entry of this amendment, claims 1-8, 19-26 and 36-40 are pending in the subject application. Claims 9-18 and 27-35 have been withdrawn in connection with the election requirement mailed on December 28, 2005. By the instant amendment, claim 1 has been amended, as supported by ¶¶ 82-85 of the original application. Claims 1 and 19 are independent.

Applicants respectfully request, in connection with the next Office action, the Examiner's acknowledgement and acceptance of applicants' English translation of the foreign priority document and statement that the English translation of the certified copy is accurate, filed on October 26, 2006.

A. Introduction

In the outstanding Office action, the Examiner rejected claims 1, 2, 36, 39 and 40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0060704 to Suzuki ("the Suzuki reference"); rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over the Suzuki reference in view of U.S. Patent Publication No. 2003/0122895 to Torgerson et al. ("the Torgerson et al. reference"); and objected to claims 3-8, 21-26, 37 and 38 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

B. Asserted Anticipation Rejection of Claims 1, 2, 36, 39 and 40

In the outstanding Office action, the Examiner rejected claims 1, 2, 36, 39 and 40 under 35 U.S.C. § 102(b) as being anticipated by the Suzuki reference. Applicants respectfully traverse this rejection, and respectfully submit that the Examiner has failed to set forth a *prima facie* case of anticipation for at least the reasons set forth below.

Independent claim 1, as amended, recites, in part,

... a stimulus generator configured to generate and apply the stimulus to the volumetric structure to vary the predetermined size of the volumetric structure and to remove the stimulus to adjust the volumetric structure to the predetermined size, wherein the droplet ejector is configured to eject the droplet of fluid upon application of the stimulus.

As recited in claim 1, the droplet ejector of the present invention includes, *inter alia*, a stimulus generator capable of controlling ejection of droplets by application and removal of a stimulus to the volumetric structure. More specifically, the droplet ejection is a *direct* result of a stimulus *application* to the volumetric structure, and therefore, the stimulus, e.g., a voltage signal, is activated by the stimulus generator *only* to eject a droplet. In other words, the stimulus is removed when the droplet ejection is complete.

The Suzuki reference, on the other hand, neither teaches, nor even remotely suggests, a droplet ejector with the claimed stimulus generator. More specifically, the Suzuki reference describes an ink-jet head that requires application of a voltage signal at a normal state, i.e., *when printing is not required*, followed by removal of the voltage signal to generate a negative pressure and re-application of the voltage signal to maintain a normal state after a droplet ejection. *Suzuki*, ¶ 19 and FIGS. 2A-2B. In other words, the Suzuki reference discloses ejection of droplets that is activated by *removal* of voltage. In this respect, as stated in the reply to Office action dated October 26, 2006, applicants reiterate that absence of voltage fails to disclose or suggest "*a stimulus generator, which applies a stimulus*" or "*upon application of the stimulus*," as claimed in claim 1.

Even if, *arguendo*, ejection of droplets in the Suzuki reference was triggered by the reapplication of voltage, as opposed to the removal of voltage, no disclosure or teaching of a stimulus generator similar to the stimulus generator recited in claim 1 could have been shown because the Suzuki reference neither disclose, nor even remotely suggests, removal of the

voltage to complete the droplet ejection. Accordingly, applicants respectfully submit that the Suzuki reference fails to disclose or suggest a droplet ejector that includes, *inter alia*, the volumetric structure and the stimulus generator as claimed in claim 1.

In view of the above, applicants respectfully submit that the Suzuki reference fails to disclose, or to even remotely suggest, each and every element of claim 1, and therefore, claim 1 is believed allowable over the cited prior art. Accordingly, applicants respectfully request that the rejection of claim 1 and claims dependent thereon be favorably reconsidered and withdrawn.

C. Asserted Obviousness Rejection of Claims 19 and 20

In the outstanding Office action, the Examiner rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over the Suzuki reference in view of the Torgerson et al. reference. Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner has already acknowledged applicants claim for foreign priority and receipt of all certified documents (*Office action of July 27, 2006, Office Action Summary*). Further, applicants perfected their claim of foreign priority by submitting on October 26, 2006 an English translation of the foreign priority document, along with a verified statement that the English translation of the certified copy is accurate. Accordingly, applicants respectfully submit that the Torgerson et al. reference does not qualify as prior art, since its publication date of July 3, 2003, is after the foreign priority date of January 21, 2003, of the instant application. Accordingly, applicants traverse this rejection and respectfully request that the rejection of claims 19-20 and their dependent claims be favorably reconsidered and withdrawn.

D. Allowable Subject Matter

Applicants appreciate the Examiner's indication of allowable subject matter in claims 3-8, 21-26, 37 and 38. Claims 3-8, 21-26, 37 and 38 depend directly or indirectly

from independent claims 1 and 19, which are believed to be in condition for allowance. Accordingly, claims 3-8, 21-26, 37 and 38 are believed to be similarly allowable as depending from an allowable base claim. Thus, reconsideration and withdrawal of the objections to claims 3-8, 21-26, 37 and 38 is respectfully requested.

E. Conclusion

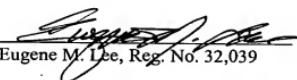
If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

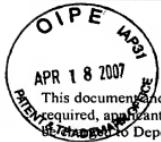
Respectfully submitted,

LEE & MORSE, P.C.

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying papers may also be charged to Deposit Account No. 50-1645.